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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

CORLYN DUNCAN AND BRUCE
DUNCAN,

Plaintiffs,

v.

THE ALIERA COMPANIES, INC., et al.,

Defendants.

Case No. 2:20-cv-00867-TLN-KJN

**DEFENDANT'S OMNIBUS RESPONSE
TO PLAINTIFFS' AUGUST 24, 2023
FINAL APPROVAL MOTION AND
RELATED FILINGS**

Hon. Troy L. Nunley

Defendant OneShare Health, LLC ("OneShare") files this omnibus response to Plaintiffs' Motion for Final Approval of Settlement Agreement (Dkt. 115), Plaintiffs' Motion for Attorney Fees, Costs, and Class Representative Case Contribution Payments (Dkt. 116), and Omnibus Declaration of Richard E. Spoonemore in Support of Plaintiffs' Motions (Dkt. 117). While OneShare does not join or agree with all of the arguments and characterizations set forth in the Motions and Declaration, OneShare fully supports final approval of the class settlement. OneShare takes no position as to the Motion for Attorney Fees, Costs, and Class Representative Case Contribution Payments.

OneShare's support of final approval of this class settlement should not be construed as agreement with Plaintiffs' characterization of the merits of their claims. OneShare disputes the

1 claims as set forth in Plaintiffs' proposed Second Amended Complaint, believes that all claims of
2 the Class members are subject to individual arbitration, and does not agree that any of the Rule 23
3 factors could be satisfied absent a settlement.

4 OneShare fully agrees with Plaintiffs that the class settlement is the product of a hard-fought,
5 arms-length negotiation that took more than a year to accomplish and included the assistance of
6 mediator Hon. Thomas B. Griffith, retired judge of the U.S. Court of Appeals for the D.C. Circuit.
7 OneShare agrees with Plaintiffs that the class settlement is fair, is in the best interest of the parties
8 (especially when balanced against the risks of continued litigation on the merits), and should be
9 approved by this Court.

10 Dated: August 28, 2023.

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

11
12 By: /s/ Shane G. Smith

13 Shane G. Smith
14 Attorneys for Defendant,
15 ONESHARE HEALTH, LLC

16 Dated: August 28, 2023.

SHIVER HAMILTON LLC

17
18 By: /s/ Kyle G.A. Wallace (pro hac vice)

19 Kyle G.A. Wallace
20 Attorneys for Defendant,
21 ONESHARE HEALTH, LLC

22 **ATTESTATION**

23 I hereby attest that I have obtained concurrence of the above noted signatories as indicated
24 by a "conformed" signature (/s/) within this e-filed document.

25 Dated: August 26, 2023

/s/ Kyle G.A. Wallace
Kyle G.A. Wallace

CERTIFICATE OF SERVICE

A copy of the foregoing **DEFENDANT'S OMNIBUS RESPONSE TO PLAINTIFFS' AUGUST 24, 2023 FINAL APPROVAL MOTION AND RELATED FILINGS** has been filed through the Court's CM/ECF system, which will send notification of such filing to all parties of record. All parties may access the foregoing via the Court's CM/ECF system.

Dated: August 28, 2023.

/s/ Kyle G.A. Wallace

Kyle G.A. Wallace